

Notice of Allowability

Application No.	Applicant(s)
09/619,364	HEINTZ ET AL.
Examiner	Art Unit
Gerald G Leffers Jr., PhD	1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 4/30/2004.
2. The allowed claim(s) is/are 15-18, 20-26, 28-32 and 48 (now claims 1-17).
3. The drawings filed on 19 July 2000 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date ____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date ____.
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date ____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date ____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other ____.

EXAMINER'S AMENDMENT

Terminal Disclaimers were filed by applicants on 12/22/2003 in response to the previous office action, mailed 9/25/2003. These disclaimers over U.S. Patent No. 6,143,566 and U.S. Patent No. 6,130,090 have been approved and entered into the file. Applicants' filed a supplemental response on 4/30/2004, following which claims 1-18, 20-26, 28-48 were pending. In applicants' response claim 27 was cancelled and claims 22 7 24 were amended. The following examiner's amendment is made to cancel the withdrawn claims that are directed to non-elected subject matter and to amend the first sentence of the specification to update the status of one of the parent applications. Applicants' response, including the terminal disclaimers, has obviated the outstanding grounds of rejection.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Veronica Mallon on 7/23/2004.

The application has been amended as follows:

In the claims:

Claims 1-14 and 33-47, directed to nonelected subject matter, have been cancelled.

In the specification:

At page 1, line 8, the phrase --, now abandoned,-- has been inserted after the words "filed June 22, 1998" and before the words "which is a non-provisional application".

Conclusion

Claims 15-18, 20-26, 28-32 and 48 are allowed (now claims 1-17).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald G Leffers Jr., PhD whose telephone number is (571) 272-0772. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel can be reached on (571) 272-0781. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gerald G Leffers Jr., PhD
GERRY LEFFERS Primary Examiner
PRIMARY EXAMINER Art Unit 1636